



BOX 1447, OAK BLUFFS, MASSACHUSETTS, 02557, 508-693-3453
FAX 508-693-7894 INFO@MVCOMMISSION.ORG WWW.MVCOMMISSION.ORG

Minutes of the Commission Meeting Held on March 24, 2005 In the Olde Stone Building 33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

Commissioners: James Athearn (Elected – Edgartown), John Best (Elected – Tisbury) John Breckenridge (Appointed – Oak Bluffs), Christina Brown (Elected – Edgartown), Mimi Davisson (Elected – Oak Bluffs), Chris Murphy (Appointed – Chilmark), Katherine Newman (Appointed – Aquinnah), Ned Orleans (Appointed – Tisbury), Deborah Pigeon (Elected – Oak Bluffs), Jim Powell (Appointed – West Tisbury), Doug Sederholm (Elected – Chilmark), Linda Sibley (Elected – West Tisbury), Paul Strauss (County Comm. Rep.), Andrew Woodruff (Elected – West Tisbury)

Staff: Mark London (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Coordinator)

1. 45 CIRCUIT REALTY TRUST: DRI 585 – WRITTEN DECISION

Commissioners Present: J. Athearn, J. Breckenridge, C. Brown, M. Davisson, C. Murphy, K. Newman, N. Orleans, D. Pigeon, J. Powell, D. Sederholm, L. Sibley, P. Strauss, A. Woodruff

Christina Brown moved and it was duly seconded to approve the written decision as written.

Commissioners agreed by consensus to the following changes:

- Condition 2c: should read *"Prior to the commencement of construction the Applicant shall prepare and submit to the Oak Bluffs Board of Selectmen (or such offices as they may designate) for approval a construction schedule and plan, designed to minimize disruption of day-to day activities in the area."*
- Condition 2e to become Condition 3.

Chris Murphy asked how the number of \$1093 for Affordable Housing contribution is figured.

Linda Sibley said it is based on a formula using the square footage of the building.

Mimi Davisson asked for confirmation that the conditions give the Oak Bluffs Selectmen the authority the Commission intended; Condition 2c provides that authority.

A roll call vote was taken. In favor: J. Athearn, J. Breckenridge, C. Brown, M. Davisson, K. Newman, N. Orleans, D. Pigeon, D. Sederholm, L. Sibley, P. Strauss, A. Woodruff. Opposed: None. Abstentions: C. Murphy, J. Powell. The motion passed

1. 7 CIRCUIT AVENUE – CONCURRENCE REVIEW

Commissioners Present: J. Athearn, J. Best, J. Breckenridge, C. Brown, M. Davisson, C. Murphy, K. Newman, N. Orleans, D. Pigeon, J. Powell, D. Sederholm, L. Sibley, P. Strauss, A. Woodruff

For the Applicant: Mark Wallace for Wash Ashore Laundromat

The project was referred by the Oak Bluffs Selectmen. The applicants are proposing to build a coin operated Laundromat with 20 washing machines, 27 dryers, and a drop-off service.

2.1 Staff Report

Paul Foley described the application:

- **Parking and Drop-off:** The site has five public four-hour spaces. Half of the spaces are on public property, half are on private. The two-car loading zone on the side could be the drop-off parking. The applicant has 30-40 private parking spaces within a 2-block radius.
- **Traffic:** Traffic statistics estimate 200 loads maximum a day; staff speculates that much of the traffic will be pedestrian or multi-purpose trips.
- **Water Use and Disposal:** The Water District has said that the Laundromat's use would have an insignificant effect on the district's water supply. Water service has been upgraded from 1" to 2". The project has been approved by the Water Commissioners in a vote of 2-1 for 5,000 - 8,000 gallons use and the Laundromat will be required to install a shutoff line for wastewater. The overall capacity is 265,000 - 300,000. The minutes of the Wastewater Meeting indicate that the single dissenting vote was cast so as not to give too much capacity to any one person/location
- **Economic Impact:** Three to four employees will be hired to attend the Laundromat. Laundromat users may also shop elsewhere in town.
- **No Affordable Housing Component.**
- **Renovation** will include only minor exterior work so no effect on scenic values or massing.
- **Applicant** lives two doors down from the Laundromat.

Rene Balter said the project has been approved by the Oak Bluffs Business Association.

Ned Orleans asked about hours of operation. **Paul Foley** hasn't seen the schedule yet.

Mark Wallace said the water system is looking for users, which was one reason for the approval.

Doug Sederholm asked whether the applicant committed to staying open year round.

Mimi Davisson said the wastewater approval was given a year ago. She asked whether anything has changed since then.

Chris Murphy asked why this would be a regional issue and not an Oak Bluffs issue.

John Breckenridge explained that under section 3.301 of the DRI Checklist, the application could be considered a significant change of use; additionally, water usage and wastewater flow have potentially regional impact. He spoke with the water and wastewater officials who said this use would not affect the flow.

Mark Wallace said he spent a length of time with staff members and Paul Foley did a good job explaining the project

Richard Combra, Selectman, said he didn't come to the meeting specifically to address the Laundromat project, but he said he's available to answer any questions. He explained:

- Mark Wallace had asked whether he should come before the Commission; the selectmen wanted the applicant to make sure the project didn't have any regional issues.
- Oak Bluffs does have a parking and traffic committee, which will look at the 4-hour parking limits on the spots.
- The Water District issued the wastewater permits.
- He sees the 150 transient boat slip renters and the campground residents as the primary users.

Kerry Scott, Selectman, said that she's grateful that Casey polled the Selectmen for the referral to the Commission. Mark Wallace has a lot of support in the Oak Bluffs community and in the boating community.

David Wessling, Planning Board Member, said this is one of the rare occasions that he agrees with the Commission.

2.2 Commissioners' Deliberation and Decision

James Athearn moved and it was duly seconded that the Commission not concur with the referral.

- **Paul Strauss** said certainly the town could use a laundromat. He asked whether a change in use requires that a project become an automatic DRI. **Paul Foley** said that the referral under 3.301 requires a concurrence vote.
- **John Best** said he's not opposed to the motion.
 - His concern is wastewater flow and looking to the future. He would like the Water District to spell out a plan to delineate the kind of activity they would like to encourage as far as use of extra wastewater capacity.
 - He felt that it was good for the Island not to have traffic to the airport laundromat and it's good to support the boating community which does not otherwise tax town services.

A voice vote was taken. In favor: 13. Opposed: 0. Abstentions: 1. The motion not to concur with the referral passed.

2. LEARNING FROM NANTUCKET WITH JOHN PAGINI

Mark London introduced John Pagini, recently retired Executive Director of the Nantucket Planning and Economic Development Commission who will speak mainly about Nantucket's comprehensive planning process and will also address some other issues. **John Pagini** thanked the Commission for the invitation. [The remainder of this part of the minutes is a summary of his presentation.]

Comprehensive Community Plan – Process

- John Pagini distributed a summary of what worked well and what didn't work well in Nantucket's planning process (see appendix).
- Nantucket's planning process took 5 years; they had thought it would take 2 – 2½ years.
- First, a Master Plan Subcommittee was appointed to scope out what the plan would contain, who would be on the Steering Committee, how the process would be formulated, and the mission of the comprehensive plan.
- The Steering Committee was a distinct group from the Nantucket Planning and Economic Commission. It consisted of 20 members and 9 alternates, representing a wide range of community interests. The Master Plan Subcommittee and Commission collectively decided which groups represented as many interests as possible, then brainstormed as to who else in the community represented the various interests. If Island interests weren't directly represented on the Steering Committee or workgroups, they were asked for feedback on the draft plan.
- There were also 7 different subcommittees and workgroups, involving an additional 70 people, and with workgroup chairs coming from the Steering Committee. Each workgroup reported regularly back to the steering committee, which helped with communication and problem solving. The subcommittees included a build-out analysis subcommittee (that worked for three months), housing, transportation, economy, open space, and legislative (to propose legislative and regulatory changes). The subcommittees typically met twice a month although some groups met twice a week.
- Originally, one firm of consultants from the Midwest was hired to lead the process including running the meetings. It was decided that having consultants run the show was a mistake. A second team of consultants was hired with a more limited mandate of carrying out research and other specific activities to supplement the Steering Committee's work.
- The process began with identifying and prioritizing issues. Then, the Steering Committee and subcommittees identified strategies for dealing with the issues.
- Communicating the plan was a priority. They used photographs, graphics, and clear writing to communicate in a way that people could understand. The University of Florida runs a summer workshop on Nantucket and these students were very helpful in visualization; their work generated a lot of support for projects. Ultimately, the Commission staff and committee members ended up writing the seven chapters of the plan: guiding growth, housing, economy, environment (including historic and archeological resources), transportation, infrastructure, and a healthy community. They hired a professional writer who had worked for the local newspaper to work on the final text of several parts of the plan.
- Once they had a draft, the Steering Committee wanted to engage everyone since those most interested in planning are not necessarily representative of the cross-section of the population. The Committee went on the road, using local media, making presentations to a broad range of organizations such as the Rotary Club, using these opportunities not just

as presentations but for dialogue with many constituent groups to get as much feedback as possible. The committee sent out drafts to the public and to key individuals; and received 130 sets of written comments. They had a second round of hearings after the final plan was written. Finally, they voluntarily had the plan approved by a large majority at a Special Town Meeting. There were also several zoning changes proposed at the same time, which were tabled; however, many of these were adopted as is or with minor modifications at a Town Meeting three months later, or at subsequent Town Meetings within a couple of years.

- The success of the plan came from the 300 year-round and seasonal residents who participated in the process.
- A recent status report on the 377 short term and long range objectives of the Comprehensive Master Plan shows:
 - 16.7% of the objectives have been totally completed.
 - 45.6% are initiated and on-going.
 - 6% initiated but abandoned.
 - 27.5% not initiated.
 - 3.6% are obsolete.

Comprehensive Community Plan – Content

Town and Country Overlay District:

- The plan established town and country zoning overlay district, differentiating between the part of the Island where growth would be encouraged, and virtually creating a greenbelt surrounding the towns.
- In town, the minimum lot size varies between 5000 square feet and 1 acre in town, and between 2 and 3 acres in the country.
- In town, there is an emphasis on pedestrian and bicycle facilities, on transit, and on composting.
- A building cap was created that prioritized development in town. However, the creation of the building cap process ended up spurring development; because of Massachusetts's law allowing for grandfathering, plans were submitted for 500 building lots (Approval Not Required or A subdivisions) before the deadline. The building cap also created a backlash among year-round residents stuck in the queue. By the end of five years, most of the 500 lots had been built on and the cap would have started to become effective, but it was removed.
- The town sewer district corresponds to the Town/Country overlay. In town, the cost to connect to the town sewer is modest, but outside, it costs dearly.
- There was, however, no comprehensive rezoning as a result of the plan. In Sconset, and area had the minimum lot size reduced from 20,000 to 10,000 square feet, passing at Town Meeting without discussion.

Affordable Housing

- See below.

Environment

- On Nantucket, access to the shoreline was traditionally public – One Big Beach – although recently, some private owners have restricted access. The plan established the objective of ensuring access to 100% of the shoreline. This is a long-term objective that will be costly and labor-intensive, dealing with undivided interests in certain properties. They will use eminent domain as a last resort or to ensure clear title when there is a negotiated sale or easement.
- With respect to habitat and open space protection, now almost 50% of Nantucket is protected including the most critical habitat and most large parcels. They looked at the possibility of creating Strategic Acquisition Plan in cooperation with the Land Bank, conservation society and town, but this never got off the ground because they didn't want to tip their hands as to where they wanted to buy as this would lead to speculation. This matter is better dealt with using an internal process.
- The plan recommended better wellhead protection, harbor watershed protection, inspection of septic systems.
- Currently, two of the largest issues on Nantucket are: solid waste management and the \$35-million Surfside Wastewater Treatment Plant upgrade.

Transportation

- Town Meeting adopted a broad policy of limiting the number of cars on the Island, although when the time comes to actually limit the number of cars in a household, people react. They are awaiting legislative approval.
- The plan encourages alternative modes, upgrades to pedestrian systems, completing the bike network by filling in missing connections, improving transit (now, 70% of the population is within a ¼ mile of the transit system). They market the availability of alternative modes, such as by setting up an interactive website last year, wheelsheelsandpedals.com.
- They developed specific standards for road design, in keeping with Nantucket's character. They adopted a clear policy of avoiding any traffic lights on the Island, as well as of avoiding road widenings at intersections.
- Nantucket created a roundabout. This faced some initial misgivings on the part of some people. This is very different from a rotary and fits into the Island's character. They compared a roundabout and traffic lights from the point of view of vehicular and pedestrian safety, of congestion, and of design, and found that it was the best solution. The roundabout now has broad public acceptance and second one is being planned.

Infrastructure

- The plan calls for better bicycle and pedestrian connections in new subdivisions as well as connectivity of streets rather than cul-de-sacs, "a tough sell for developers".

Healthy Community

- Focus on Healthy Community based on the United Nations definition.

Affordable Housing Initiatives

- Given that the affordable housing needs in Nantucket go well beyond the needs in other parts of the state, the legislature agreed to raise the upper limit for affordable housing covenants from 80% Area Median Income to 150% (i.e. currently about \$120,000 annual salary, with the average property value of about \$1 million).
- The planning process led to the creation of a partnership of interests including builders, bankers and housing advocates that supported adoption of the Community Preservation Act. CPA funds (last year \$3 million including State match) have provided funding for many housing and preservation projects including funding the Housing Office, housing rehabilitation, seed money for projects. The CPA has also been used for other types of projects such as an infrastructure fund, restoration of the cemetery and open space preservation; it is not used very much for the latter because of the existence of the Land Bank, but was used for a project providing access to the harbor. The CPA is renewed with a strong vote every year.
- Nantucket has adopted a Planned Production Affordable Housing Plan. Provided 30 units are created each year, they may deny hostile 40b proposals. The plan calls for housing on scattered sites, creating a 40-unit mixed-use project to serve Town employees among others. They found ways to qualify existing units; for example, the housing authority had 17 leased units that had not been covenanted. Sherburne Commons has 60 units of not-for-profit elderly housing on 20 acres of Town-owned land. A project sponsored by the Education Trust is providing 12 rental units for teachers and other school employees. Because they are rental, all 72 units of those two projects qualify for the Planned Production targets, even though they are not all "affordable".
- Another initiative is the co-oping or condo-ization of a second dwelling provided a Nantucket Housing Needs Covenant is placed on the property. This not only creates an affordable housing unit but also allows owners to realize the equity in their property without leaving the Island. (On Nantucket, property owners can, as of right, build a second dwelling on the same lot.) 14 houses have gone through the process and 4 are in the queue. There is also a provision for physical subdivision if the second house is limited to 80% AMI but there have been no takers yet.
- Nantucket has initiated several of its own 40B-type projects including one 60-unit project, and another

Area Plans

- The Master Plan proposed the development of small area plans in specific areas such as the Mid-Island Area and downtown. A mission and master plan were written for each area.

- The Mid-Island Partnership, a “mini Chamber of Commerce”, petitioned the Commission to prepare the Mid-Island Area Plan. The Commission defined the mission, boundaries and process. A committee was struck that provided leadership for the process, with staff assistance from the Commission. The Commission invested \$5000 in the process and received \$30,000 from a blind trust created for this purpose.
- The aim of the Mid-Island Area Plan was to transform an amorphous area – presently including a Stop & Shop, the high school, a boys and girls club, the hospital, the post office, and other stores – using retrofit and infill to create a denser area more in keeping with Nantucket’s character.
- The plan reflects the issues of the Comprehensive Plan, affordable housing, transportation, shared parking, reduced parking requirements (can be provided within 500’ of the project on-site, by agreement, or on the street if so designated by the Town), and interconnected pedestrian systems. The plan includes \$150,000 in capital improvements, a roundabout, a \$50,000 traffic study to look at changing a street to one-way, visual simulations to help people understand the proposals.
- The plan was approved and the zoning amendments including an overlay district were approved at Town Meeting with virtually no opposition.
- Another area plan was prepared for Sconset. Here, they took a different approach. This is a historic area with small streets. The zoning was changed from ½-acre to ¼-acre zones. The plan defined architectural neighborhoods, based on having similar housing types and sizes, and outlined preservation guidelines for the Historic District Commission. The HDC deals with every structure on Nantucket and even controls the color of paint; it was established in 1955 for the oldest part of town and was extended in 1971 to cover the whole Island.

Rural Roads

- Since 1999, John Pagini has been on three task forces dealing with road design standards. The present Design Manual has rigid standards and the design exemption process is onerous. MassHighway doesn’t involve the community early enough in the planning and design process.
- In January 2003, Governor Romney announced that the Highway Design Manual would be revised. He initially proposed that this would be completed in October of the same year, but it soon became clear that this timetable was unrealistic. John is a member of the committee currently rewriting the Manual. There are seven subcommittees. They looked at other manuals across the country. They are hoping that the new manual will be a model for the nation.
- This will redefine the roadway as being for pedestrians, bicycles, and vehicles, thereby changing the emphasis of its mission. It will recommend earlier consultation with the community, favor context-sensitive design and intermodalism, and will present good case studies. They are looking for a contextual classification of roads based on whether it is

rural, natural, developed, village, suburban, low density urban, and high density town center.

- The Governor has approved the outline and, last week, a summary of the each chapter was presented to the committee. They have hired the firm VHB, with a budget of \$1.5 million, to provide technical support. They now have preliminary drafts of four chapters and are targeting December completion.
- The Cape and Islands Rural Roads Initiative is presently on hiatus.
- On Nantucket, the Town provides each employee with a shuttle pass during the summer. The Chamber of Commerce encourages businesses to provide shuttle passes to their employees. New businesses are required to supply passes to employees and promote shuttle use.

Composting and Recycling

- Nantucket has set up a major composting facility, contracted out to Waste Options, a private concern. Until now, the compost has been stored but now the State has approved using the compost. The composting system works well. It is an enclosed facility and there is no problem with birds. Board of Selectman Chair Tim Soverino and a representative from Waste Options might be the best people to come to the Vineyard to explain the program.
- There is also a very sophisticated recycling program including separation at the source. Presently about 70-80% of solid waste is recycled.
- Waste Options will also mine the old landfill, will sort the waste, and will eventually remove it.
- Although there is some controversy about the cost, no one is suggesting going back to the old system.

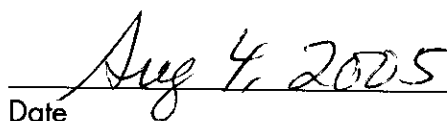
Linda Sibley thanked John Pagini for sharing his experience with the Nantucket Commission.

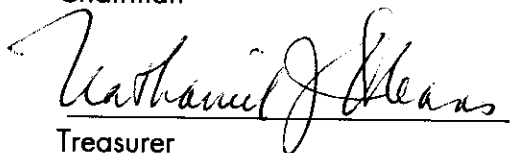
Mark London thanked John for being so helpful to him when he first began at the Commission.

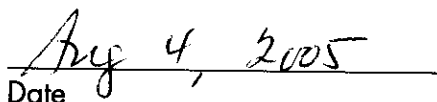
John Pagini said he has always enjoyed his visits to the Vineyard.

The meeting was adjourned at 10:00 p.m.


Chairman


Date


Treasurer


Date

Appendix – Nantucket Comprehensive Community Planning Process

Elements of the Process That Worked Well

1. Foundation of Master Plan Subcommittee – essentially a scoping committee that recommended mission, scope, planning process, and steering committee structure and composition.
2. They were able to secure "no strings" funds from EOEa to help fund plan. This made it easier to seek and obtain local funding.
3. They had a high rate of participation by community members and a variety of stakeholders.
4. They had 130 sets of comments on the draft plan, many of which were incorporated in the final draft.
5. They established short-range (up to 5 years) and long-range (5-10 year) goals, which provided focus.
6. The Plan was a hybrid - a comprehensive and strategic plan rolled into one.
7. They had volunteer and for-hire professionals to help produce the Plan, including graphics, layout, and the writing of the narrative accompanying each Chapter.
8. They ultimately used consultants to provide back-up documents and technical and legal support.
9. The Director wrote the goals and strategies, under guidance of Steering Committee.
10. They went "on the road" with the Plan, making presentations to a variety of Island organizations, including high school students.
11. Despite the failure of zoning articles initially at Town Meeting, most that were tabled were later approved in subsequent Town Meetings, along with many others.
12. Subcommittees were utilized to broaden the stakeholder base, and further empower the voters.
13. Hands-on" workshops were instrumental in promoting buy-in.
14. Steering Committee members consisting of well-respected Island families led the charge at Town Meeting, and staff had a subordinate role.
15. Endorsement ads by key community leaders were placed in local papers to garner support for the Plan.
16. Although an "Implementation Work Group" was formed, their role was marginal in moving items forward for implementation.
17. Staff and the Commission used their annual strategic Action Plan to recommend Town Meeting actions including zoning bylaw amendments, and the Capital Improvement Program to move forward on important items.
18. Staff and the Commission conduct an annual triage of Town Meeting Warrant to determine whether articles were of planning relevance, and how they comply with the Comprehensive Plan.
19. Area Plans are used to produce strategic plans for specific areas with important and unique challenges and characteristics.

Elements of Process That Did Not Work Well

1. The process was originally projected at 2-3 years, but ultimately took 5 years.
2. The first consultants were the wrong match and their contracts were not renewed. A new consultant had to start from scratch in many respects.
3. Consultants ran the show initially, rather than the Steering Committee / NP&EDC
4. The Plan cost too much, due to inefficiencies caused by release of first consultant – \$300,000.
5. There were too many Committee members (20), making it difficult to get work done, or to even achieve a quorum.
6. Because of length of the planning process, there was a high rate of attrition, and ultimately low attendance by regular members. Eventually they resorted to at-large member alternates to fill the void. This created an imbalance.
7. They were persuaded by Town Counsel that it was inappropriate to have the Plan voted on in open session of Town Meeting, and advocated voting in a recess. Our Counsel did not voice objection, stating that the Plan would be approved by the Commission anyway.
8. Multiple meetings attended by consultants resulted in high overhead charges due to high costs of travel, lodging, and food on Nantucket
9. They experienced great frustration convincing the year-round community to participate in the planning process. Simply holding and advertising a meeting was not enough to ensure a balanced representation. Further, certain stakeholders who were perceived as representing special interests were also perceived as having undue influence over the Plan. As a result, the perception grew that the Plan was biased in favor of off- Island and special interests.
10. At the Special Town Meeting, a large number of Zoning Bylaw amendments were presented the day after Plan adoption. All but a few were tabled for further work. In the final analysis, this was viewed as too much for the Steering Committee and staff to adequately prepare, and for the voters to absorb.
11. Because of the uniqueness of Nantucket's situation (one Town, one region), confusion still reigns as to the relationship between the Comprehensive Community Plan and the mandated Chapter 41-81D Master Plan.
12. Although Subcommittees were a great way to broaden the stakeholder base and focus work on specific areas of the Plan, they met for what seemed like an eternity, and it was difficult to adequately staff them.

From notes prepared by John Pagini, retired Executive Director, Nantucket Planning and Economic Development Commission

Presented to the Martha's Vineyard Commission on March 24, 2005.